

REMARKS

This amendment responds to the office action dated January 26, 2006

The Examiner rejected claims 1-28 under 35 U.S.C. § 101, contending that the claims lacked a limitation directed to a practical application. Claims 1- 35 have been canceled. New claims 36-40 are directed to a transmitter and new claims 41-44 are directed to a receiver. Thus each currently presented claim is directed to a practical system. The applicant therefore respectfully requests that the rejection be withdrawn.

The Examiner rejected claims 1-17, 27, 28, and 31-33 under 35 U.S.C. § 103(a) as being obvious in view of the combination of Maturi et al., U.S. Patent No. 5,559,999 (hereinafter Maturi), Kim et al., U.S. patent No. 5,521,927 (hereinafter Kim), and Srinivasan et al., U.S. Patent No. 6,357,042 (hereinafter Srinivasan). The Examiner rejected claims 18-26 under 35 U.S.C. § 103(a) as being obvious in view of the combination of Maturi and Srinivasan. Each of these claims has been canceled.

New claim 36 includes the limitations of (1) "an application time clock that determines a rate of data entering at least one of an audio encoder or a video encoder, each sending data to a multiplexer in first and second data streams, respectively;" (2) "a first packetizer that packetizes said information other than audio or video and sends packetized said information to said multiplexer in a third data stream separate from said first and second data streams;" and (3) "a second packetizer, apart from said first packetizer, that packetizes samples of said application time clock and sends said packetized samples to said multiplexer in a fourth data stream separate from said first, second, and third data streams." These limitations are not disclosed by the cited references.

Specifically, the applicant notes that previously presented, but now canceled, claim 1 included the limitation of "said packetization process packetizing data apart from video and audio in a first data stream and including a second data stream, independent of said first data stream, containing said sample application time moment." The Examiner alleged that this limitation was disclosed by the cited combination by first reading the claimed "application time

moment” on Maturi’s samples of the system clock, which were included in a video stream” and also noting that Srinivasan disclosed packetizing ancillary information in a data stream apart from a video stream. Thus, under the Examiner’s interpretation, the claimed “second data stream” was the video stream, which was apart from the stream containing the packetized data “apart from video or audio.”

Conversely, new claim 36 is distinguished over the cited combination in at least two respects. First, claim 36 specifies a “clock sampler” that samples an application time clock that is *not* the system clock, and packetizes that sampled data in a data stream *apart from the video or audio data streams*. Thus, the Examiner can no longer read such data as being synchronization information from the *system clock* that is inserted into the video and/or audio streams. Second, claim 36 specifies that the packetized application clock samples must also be sent to the multiplexer in a data stream apart, not only from the video and audio data, but also from the packetized information that is “other than video or audio.” Each of the limitations included in new claim 36 is shown in FIG. 1 and described in the portions of the specification accompanying that figure. Therefore, each of new claims 36-40 patentably distinguish over the cited prior art and should be allowable.

New claim 41 claims a receiver and includes the limitations of “a first clock reconstruction unit that reconstructs a 27MHz system clock used to synchronize said video and audio” and “a second clock reconstruction unit reconstructs an application time clock *different from said system clock*, said application time clock used to synchronize the presentation of said information other than audio or video with at least one of said audio or video.” (emphasis added). The claimed receiver is not disclosed in the prior art, which is *only* able to reconstruct the 27 MHz system clock. The prior art receivers cannot reconstruct an application time clock, that is different from the system clock, because the prior art transmitters never transmit samples from the application time clock; rather all synchronization data is based on samples from the faster system clock. As noted in the present application, while such prior art methods are adequate purely for synchronization purposes, they require data ancillary to video and audio to be fed into the multiplexer synchronously with the audio and video to which the portions of the data correspond, so that the appended presentation time stamps can be used by the receiver to

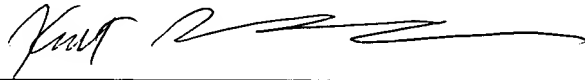
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reconstruct the ancillary information synchronously with the video or audio. In contrast, the present invention, by reconstructing the application time clock, permits the ancillary data to be transmitted to the receiver asynchronously with respect to the audio and/or video data.

Therefore, each of claims 41-44 patentably distinguish over the cited prior art and should be allowable

In view of the foregoing amendments and remarks, the applicant respectfully requests reconsideration and allowance of claims 1-28 and 31-33.

Respectfully submitted,



Kurt Rohlf
Reg. No. 54,405
Tel No.: (503) 227-5631